

**Final/APPROVED**  
**THE VIRGINIA BOARD OF CORRECTIONS**

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The Virginia Board of Corrections (Board) met on Wednesday, November 20, 2019 at the Department of Corrections (VADOC) Headquarters, 6900 Atmore Drive, Richmond, Virginia 23225.

**BOARD MEMBERS PRESENT:** The Honorable Vernie W. Francis, Jr., Chairman  
Bobby Vassar, Vice Chairman  
John F. Anderson, Jr, Secretary  
William T. Dean  
Olivia Garland, PhD  
The Honorable Charles Jett  
Heather Masters, M.D., S.F.H.M., F.A.C.P.  
Karen Nicely, LPC  
Reverend Kevin L. Sykes

**BOARD JAIL REVIEW UNIT:** Steve Goff, Investigative Analyst  
Kemba Jennings, Policy Analyst

**BOARD COUNSEL:** Phillip Figura, Esq., Office of the Attorney General

**BOARD MEMBERS ABSENT:** None

**VADOC STAFF PRESENT:** Erma Locust, Compliance, Certification and Accreditation  
Tawana Ferguson, Compliance, Certification and Accreditation  
Brian Flaherty, Compliance, Certification and Accreditation  
Wayne McMillan, Compliance, Certification and Accreditation  
James Bruce, Policy and Initiatives  
Donna Foster, Administrative Support, Board of Corrections

**GUESTS PRESENT:** Theresa Simpson, Rappahannock Regional Jail  
Chris Smith, Western Tidewater Regional Jail  
Brent Wright, Meherrin River Regional Jail  
Tim Trent, Blue Ridge Regional Jail Authority  
Joshua Salmon, Blue Ridge Regional Jail Authority  
Bruce Crusier, Mental Health America-Virginia  
Patrick Wilson, Richmond Times Dispatch

**CALL TO ORDER**

Chairman Francis called the meeting to order at 12:32 p.m.

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**DETERMINATION OF QUORUM**

Chairman Francis determined there was a quorum present.

**WELCOME AND INTRODUCTIONS**

Chairman Francis welcomed everyone in attendance.

**APPROVAL OF SEPTEMBER BOARD MINUTES**

Chairman Francis presented the September 18, 2019 minutes for review and approval. Robyn deSocio requested several changes.

Upon a ***Motion*** by Chairman Francis and duly seconded, the members voted unanimously to ***Approve*** the July 17, 2019 Board meeting minutes as amended.

**NOMINATING COMMITTEE**

Chairman Francis appointed John F. Anderson, Jr. as Chairman of the Nominating Committee and appointed Reverend Kevin L. Sykes and Dr. Olivia Garland as committee members. Mr. Anderson Advised that no members offered to volunteer for the Chairman, Vice-Chairman or Secretary duties, therefore, the nominating committee recommended re-election of the current officers as follows:

- Vernie W. Francis, Jr – Chairman
- Bobby N. Vassar – Vice Chairman
- John F. Anderson, Jr. – Secretary

Upon a ***Motion*** by Chairman Francis and duly seconded, the members voted unanimously to ***Approve*** Recommendations of the Nominating Committee.

**2020 BOARD OF CORRECTIONS CALENDAR**

The Board members approved the 2020 draft Board Calendar.

Upon a ***Motion*** by Chairman Francis and duly seconded, the members voted unanimously to ***Approve*** the 2020 Board of Corrections Calendar.

**PUBLIC COMMENT PERIOD**

None

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**LIAISON COMMITTEE UPDATE**

Mr. Anderson provided an overview of the Funding and Budget Issues Report, Prison Population Report, the Jail Construction Update, Offender Management Services update as well as other business.

Mr. Anderson reported that Tim Trent served as chairman of the Liaison Committee meeting.

Mr. Anderson reported that Ms. deSocio did not attend the November meeting, but sent an email to recommend changes to the September minutes.

Mr. Anderson reported that Mr. Casey reported that Prince William/Manassas Regional Jail (204 bed expansion) is on schedule for completion by the anticipated date of July 2020. Henry County has signed a contract with English Construction of Lynchburg and the project is expected to begin shortly with an anticipated completion date of January 2022.

Mr. Anderson reported that Jim Parks reported the total for out-of-compliance inmates is 3,101 of which 2,731 are males and 370 are females. Female offenders are being processed at State Farm in Powhatan. The female out-of-compliance population ticked up slightly while the facility was being prepared for female classification as the Virginia Department of Corrections is trying to accommodate increased female populations.

Mr. Anderson reported that Chairman Trent noted that there is a bill from the state senate (SB1772) directing the Board of Corrections to review the pregnant prisoners use of restraint standard. The current language suggests minimal restraint as the default but it was the intent of the patron of the bill that the intent was for no restraint to be the default. The wording will be reviewed for clarification.

**CORRECTIONAL SERVICES COMMITTEE/POLICY & REGULATIONS**  
**LOCAL FACILITIES SECTION – STAFFING/FUNDING AND UNANNOUNCED INSPECTIONS:**

The following facilities achieved 100% compliance or sent representatives to explain Plans of Actions.

By recommendation of the Compliance, Certification and Accreditation Unit to approve as follows:

**I make the following recommendations in the form of a Motion:**

**Unconditional certification as a result of 100% compliance for:**

**Virginia Beach Correctional Center**

**Unconditional certification for:**

**Rappahannock Regional**

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**Meherrin River Regional Jail**

**Unconditional Certification to include re-certification to hold male and female juveniles in accordance with §16.1-249.G of the Code of Virginia for:**

**Virginia Beach Lockup #2**

**Blue Ridge Regional Jail Authority – Lynchburg Adult Detention Center**

Upon a *Motion* by Chairman Francis and duly seconded, the attending members voted unanimously to *Approve* the above recommendation.

**The Board asked that the remaining facilities recommended for Unconditional Certification send representation to the November meeting to answer question regarding the plans of action to remedy standards found out of compliance. They are as follows:**

**Surry County Jail**

**The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with standards, approves the suspension of the 2019 annual inspection for the Virginia Beach Correctional Center.**

Upon a *Motion* by Chairman Francis and duly seconded, the attending members voted unanimously to *Approve* the above recommendations.

**JAIL REVIEW COMMITTEE REPORT**

**I make the following recommendations in the form of a Motion by Chairman Dean:**

Piedmont Regional Jail

The Jail Review Committee investigated the following cases by reviewing institutional, medical, and mental health records and other relevant evidence of the circumstances surrounding each death. The Jail Review Committee *FINDS* that the evidence presented in these cases *DID* reveal acts or omissions by the facility or any employee or agent thereof that may have directly or indirectly contributed to the inmate's death. The Jail Review Committee further *FINDS* that the investigation *DID* reveal evidence indicating that the facility was out of compliance with the regulations promulgated by the Board. *NOW THEREFORE, I MOVE* that the following cases be recommended to the Full Board for Closure as a result of the following cases:

17-0022 – date of death 8/21/17

6VAC-15-40-1045 – Supervision of Inmates

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6VAC-15-40-990 – Administrative Segregation

6VAC-15-40-440 – Medical Care Provided by Personnel Other Than a Physician

17-0007 date of death 11/18/17

6VAC-15-40-1045 – Supervision of Inmates

6VAC-15-40-370 – Receiving and Medical Screening of Inmates

Pursuant to 6 VAC 15-20-100 (B)(3), your facility is **HEREBY** issued a **PROBATIONARY CERTIFICATION** for a period of **THREE YEARS** from the date of this **Order**. If your facility does not meet the requirements for certification at the conclusion of this period, the Board will issue a **LETTER OF DECERTIFICATION**.

The facility shall provide written updates on measures taken to come into compliance with the Board's regulations at least quarterly inspections during the probationary period.

Pursuant to Virginia Code § 53.1-68, the Virginia Department of Corrections Compliance and Accreditation Unit is hereby directed to conduct quarterly random unannounced focused inspections during the probationary certification period Focusing on the following areas:

- Conducting rounds in all areas;
- Administrative segregation decisions;
- Policies and capacities;
- Medical pathways at intake and at the point of re-entry;
- Access to medical care and triage protocols;
- Protocols for the notification of law enforcement agencies;
- Investigation of crimes committed in the jail
- Continuity of care at re-entry.

Pursuant to Virginia Code § 53.1-69, facility populations are limited to 600 and must be compliance with this order within 90 day of notification

Hampton City Correctional Center under the Supervision of the Hampton Sheriff's Office

The Jail Review Committee investigated the following case by reviewing institutional, medical, and mental health records and other relevant evidence of the circumstances surrounding each death. The Jail Review Committee **FINDS** that the evidence presented in this case **DID** reveal acts or omissions by the facility or any employee or agent thereof that may have directly or indirectly contributed to the inmate's death. The Jail Review Committee further **FINDS** that the investigation **DID** reveal evidence indicating that the facility was out of compliance with the regulations promulgated by the Board. **NOW THEREFORE, I MOVE** that the following case be recommended to the Full Board for action as a result of the following case:

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18-0035 - date of death 4/10/18

6VAC-15-40-1045 – Supervision of Inmates

Pursuant to Virginia Code § 53.1-68, the Virginia Department of Corrections Compliance and Accreditation Unit is hereby directed to conduct random unannounced focused inspections for supervision of inmates for a period of one year. Probationary Certification is not recommended at this time

Hampton Roads Regional Jail

The Jail Review Committee investigated the following case by reviewing institutional, medical, and mental health records and other relevant evidence of the circumstances surrounding each death. The Jail Review Committee **FINDS** that the evidence presented in this case **DID** reveal acts or omissions by the facility or any employee or agent thereof that may have directly or indirectly contributed to the inmate's death. The Jail Review Committee further **FINDS** that the investigation **DID** reveal evidence indicating that the facility was out of compliance with the regulations promulgated by the Board. **NOW THEREFORE, I MOVE** that the following case be recommended to the Full Board for action as a result of the following case:

18-0043 - date of death 4/26/18

6VAC-15-40-360 – Twenty-Four Hour Emergency Medical and Mental Health Care

6VAC-15-40-400 – Management of Pharmaceuticals

6VAC-15-40-1045 – Supervision of Inmates

Pursuant to 6 VAC 15-20-100 (B)(3), your facility is **HEREBY** issued a **PROBATIONARY CERTIFICATION** for a period of **TWO YEARS** from the date of this **Order**. If your facility does not meet the requirements for certification at the conclusion of this period, the Board will issue a **LETTER OF DECERTIFICATION. PROBATIONARY CERTIFICATION** is subject to a **ONE YEAR REDUCTION** if the following conditions are met without exception as verified by focused inspections at 6 month intervals by Compliance, Certification and Accreditation staff:

- Access to Medical Care;
- Access to Pharmaceuticals;
- Responses to noncompliance regarding medication as well as escalation protocols for inmates who refuse to accept medication;
- Supervision of rounds, specifically to installation of new technology as indication by the jail;
- Compliance with physician orders regarding dietary restrictions for inmates.

The Jail Review Committee investigated the following case by reviewing institutional, medical, and mental health records and other relevant evidence of the circumstances surrounding the death. The Jail Review Committee **FINDS** that the evidence presented in these cases did not reveal any act or

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omission by the facility or any employee or agent thereof that may have directly or indirectly contributed to the inmate's death. The Jail Review Committee further **FINDS** that the investigation **DID NOT** reveal any evidence indicating that the facility was out of compliance with the regulations promulgated by the Board. **NOW THEREFORE, I MOVE** that the following case be recommended to the Full Board for closure.

<b>Case</b>	<b>Location</b>	<b>Date of Death</b>
18-0039	Hampton Roads Regional Jail	4/15/18
18-0058	Hampton Roads Regional Jail	10/7/19

Upon a **Motion** by Chairman Dean and duly seconded, the attending members voted unanimously to **Approve** the above recommendations.

**GENERAL DISCUSSION**

The members discussed several changes they would like for reporting Audit findings including history of out-of-compliance for same standard(s), life, health safety standard that include plan of action, more detail included in reports, and consideration of a standard that details plans of actions. Insufficient responses will require attendance of a representative of the facility.

Chairman Francis advised that he and The Mental Health as well as Medical/Dental Standards committee representatives had discussed costs associated with the new standards as required by the legislature. He added that the new standards will be discussed beginning in January 2020.

**ADDITIONAL ITEMS FOR DISCUSSION**

None

**FUTURE MEETING DATES**

Tuesday, January 7, 2020  
Wednesday, March 18, 2020  
Wednesday, May 20, 2020  
Wednesday, July 15, 2020  
Wednesday, September 16, 2020  
Wednesday, November 18, 2020

**ADJOURNMENT**

There being no further business to discuss before the Board of Corrections, upon a **Motion** by Chairman Francis and duly seconded, the meeting was **Adjourned** by unanimous vote of the attending members.

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APPROVED:

*Signature on File*

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The Honorable Vernie W. Francis, Jr., Chairman